

comments accompanying the rejection of claim 3 over U.S. Patent 4,843,800 to Focke and U.S. Patent 4,870,802 to Cerf.

Claims 3-16 were rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claim 14 was objected to as containing a misspelling. The claim amendments address the specific points raised in the rejection and objection.

The drawings were objected to on several grounds. The objections are addressed in the enclosed Request for Approval of Drawing Corrections.

The objection to the specification is addressed by the above specification changes. To the extent that the Examiner deems the changes not to overcome the objections, they are respectfully traversed. As understood by the applicants, the objection is based on the use of the word "element" to describe two different features of the disclosed embodiment. However, the applicants submit that there is no confusion as to the content of the disclosure, since the specification in each instance gives the different features different reference numerals. It is believed that the disclosure clearly meets the requirements of 35 U.S.C. § 112, first paragraph, and withdrawal of the objection to the specification is respectfully requested.

The specification and claim changes made herein are shown in the attached Appendix by underlining additions and placing deletions in brackets.

Regarding another matter raised in the Office Action, the Examiner refused to consider the references cited in the Information Disclosure Statement of November 15, 2000. The stated reason was that the references are not in the English language. In response, the applicants respectfully refer to M.P.E.P. § 609, which states that a foreign search report that indicates in English the relevance of non-English documents with the standard "X," "Y," or "A" notation

will be considered a concise explanation of relevance of the documents pursuant to 37 C.F.R. § 1.98(a). ("The concise explanation of relevance may indicate that a particular figure or paragraph of the patent or publication is relevant to the claimed invention." M.P.E.P. § 609 (Aug.2001), at 600-123.)

In that regard, all three of the references consideration of which was refused were cited in a foreign search report, which was provided with the Information Disclosure Statement and which indicated the documents' relevance using "X," "Y," or "A" notations.

Nevertheless, the applicants intend to submit English translations of those portions of DE 38 24 924 and DE 37 18 702 (the "X" and "X, Y" documents in the foreign search report) that the applicants' undersigned attorney is informed contains the disclosure most relevant to the present application. If those translations are not in the file when the Examiner reaches this case for action, he is requested to telephone the applicants' attorney Thomas Spath at the number stated below.

Accordingly, the applicants respectfully request that the Examiner consider the references cited in the Information Disclosure Statement of November 15, 2000.

It is believed that this Amendment responds to all of the points raised in the Office Action and reconsideration of the present application, and allowance thereof with claims 3-16 is respectfully requested.

All charges associated with the Amendment may be charged to Deposit Account No. 01-0035.

All correspondence should continue to be directed to the below address.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB  
Attorneys for Applicants

A handwritten signature in black ink, appearing to read "David M. Quinlan", with a long horizontal line extending to the right.

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Application No. 09/663,469

APPENDIX TO AMENDMENT OF AUGUST 1, 2002

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SPECIFICATION CHANGES

The paragraph at page 9, lines 1-10, should be amended to read as follows:

--An (independent) special feature is the configuration of the heating elements, namely of the heating plates 32, 33 (Figures 7 and 8). The carrying plates 34, 35 have a recess which is enclosed by a border and is open in the downward direction in each case. In each case, each heating element 36, 37 is provided in the form of a [one] sheet-like heating element 71 [is] positioned in said recess, with the result that, in the case of the present example, said heating element acts in the downward direction, that is to say it acts on a pack positioned beneath the heating element 71.--

CLAIM CHANGES

Amend claims 3, 4, and 14 to read as follows:

--3. (Amended) Apparatus for producing packs (10) with an outer wrapper (13) made of film, in particular hinge-lid boxes for cigarettes, a film blank which is folded around the pack (10) having folding tabs which are connected to one another by thermal sealing in the region of a sealing station (25), characterized by the following features:

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- a) the packs (10) can be transported cyclically along a straight conveying path in a plurality of, in particular two, pack rows (22, 23) arranged one above the other,
- b) in a first region [of] the conveying path (28, 29) [the latter] is configured as a sealing station (25) with sealing jaws (30, 31) arranged at either side of the conveying path (28, 29) for the purpose of sealing the laterally directed folding tabs, and
- c) the sealing station (25) is followed in the region of the conveying path (28, 29) by a shrinking station (26) for the purpose of shrinking the outer wrapper (13) through the application of heat, wherein the shrinking station (26) has movable thermal elements, in particular heating plates (32, 33) which can be moved against at least one side of the packs (10) for transmitting heat to the packs (10).

4. (Amended) Apparatus according to Claim 3, characterized in that the [shrinking station (26) has movable thermal elements, in particular] heating plates (32, 33) [, which, for the purpose of transmitting heat to the packs (10),] can be moved [against at least one side of the packs (10), in particular] against an upwardly directed front side of the packs (10).

14. (Amended) Apparatus according to Claim 4, characterized by the following features:

- a) during transport along the horizontal conveying path (28, 29), the packs (10) of the top pack row (22) can be conveyed in the upward direction that such packs

- (10) of the top pack row (22) can be conveyed over a heating element - heating plate (33) - assigned to the packs (10) of the bottom pack row (23),
- b) the heating plate (33) has an obliquely directed run-on surface (40) for the packs (10) of the top pack row (22),
  - c) the run-on surface (40) extends across the full (transverse) extent of the packs (10), and
  - d) the run-on surface (40) has an oblique edge (47) as a boundary.--

ACCEPTED 9/19/02

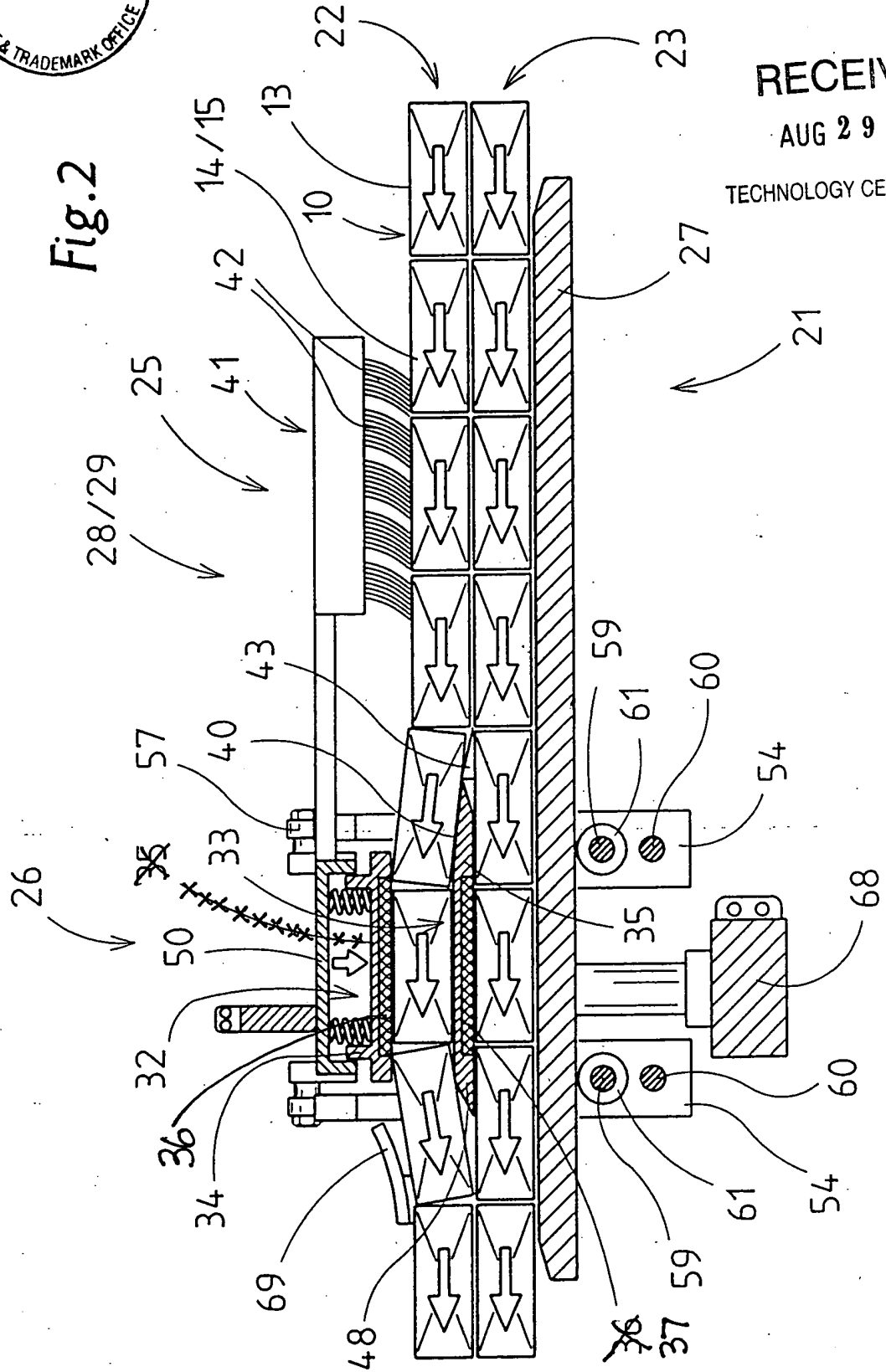


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Fig. 2



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